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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/745,883	12/21/2000	Hans-Ulrich Demuth	20784-5	1277
21710	7590 06/30/2005		EXAMINER	
BROWN, RUDNICK, BERLACK & ISRAELS, LLP. BOX IP, 18TH FLOOR			KAM, CHIH MIN	
ONE FINANCIAL CENTER BOSTON, MA 02111		ART UNIT	PAPER NUMBER	
			1653	

DATE MAILED: 06/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)				
	09/745,883	DEMUTH ET AL.				
Response to Rule 312 Communication	Examiner	Art Unit				
•	Chih-Min Kam	1653				
The MAILING DATE of this communication	appears on the cover sheet	with the correspondence address	; <b>-</b>			
4. M The emendment filed on 42 May 2005 and as 27 OFD	4 242 has been considered on	ad been been.				
<ul><li>1. ☐ The amendment filed on 13 May 2005 under 37 CFR</li><li>a) ☐ entered.</li></ul>	1.312 has been considered, an	nd nas been.				
b)  entered as directed to matters of form not affect	ing the scope of the invention.					
c) disapproved because the amendment was filed	after the payment of the issue	fee.				
Any amendment filed after the date the issue fee is paid must be accompanied by a petition under 37 CFR 1.313(c)(1) and the required fee to withdraw the application from issue.						
d) disapproved. See explanation below.						
e)  entered in part. See explanation below.						
because the 312 amendment does not clarify the relation	onship between the instant app	lication and PCT/EP99/04381 in the	,			
continuing data, thus a Supplemental Examiner's Amer	ndment is sent to correct the co	ntinuing data.				
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## Supplemental Notice of Allowability

Application No.	Applicant(s)	
09/745,883	DEMUTH ET AL.	
Examiner	Art Unit	
Chih-Min Kam	1653	

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<del></del>	Chih-Min Kam	1653	
The MAILING DATE of this communication appear All claims being allowable, PROSECUTION ON THE MERITS IS herewith (or previously mailed), a Notice of Allowance (PTOL-85) NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT Reports of the Office or upon petition by the applicant. See 37 CFR 1.313	(OR REMAINS) CLOSED in this apply or other appropriate communication IGHTS. This application is subject to	olication. If not include will be mailed in due	ed course. <b>THIS</b>
1. This communication is responsive to <u>5/13/05</u> .	•		
2. X The allowed claim(s) is/are 1-8,14 and 16-22.			
3. The drawings filed on are accepted by the Examine	r.		
<ul> <li>4.  Acknowledgment is made of a claim for foreign priority ur</li> <li>a)  All b)  Some* c)  None of the:</li> <li>1.  Certified copies of the priority documents have</li> <li>2.  Certified copies of the priority documents have</li> <li>3.  Copies of the certified copies of the priority documents have International Bureau (PCT Rule 17.2(a)).</li> <li>* Certified copies not received:</li> <li>Applicant has THREE MONTHS FROM THE "MAILING DATE" noted below. Failure to timely comply will result in ABANDONM</li> </ul>	be been received.  be been received in Application No  cuments have been received in this in the second of this communication to file a reply	national stage applica	
<ul> <li>THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.</li> <li>5. A SUBSTITUTE OATH OR DECLARATION must be subm INFORMAL PATENT APPLICATION (PTO-152) which give</li> </ul>	itted. Note the attached EXAMINER' es reason(s) why the oath or declara	S AMENDMENT or N tion is deficient.	OTICE OF
<ol> <li>CORRECTED DRAWINGS (as "replacement sheets") must (a) ☐ including changes required by the Notice of Draftspers 1) ☐ hereto or 2) ☐ to Paper No./Mail Date 14 (6/1) (b) ☐ including changes required by the attached Examiner's Paper No./Mail Date</li> <li>Identifying Indicla such as the application number (see 37 CFR 1. each sheet. Replacement sheet(s) should be labeled as such in the deposit of the de</li></ol>	son's Patent Drawing Review (PTO-13/2002).  S Amendment / Comment or in the O  84(c)) should be written on the drawing the header according to 37 CFR 1.121(c).  Sit of BIOLOGICAL MATERIAL m	ffice action of  gs In the front (not the I).  nust be submitted. N	
Attachment(s)  1. ☐ Notice of References Cited (PTO-892)  2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)  3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/0	5. ☐ Notice of Informal Pa 6. ☑ Interview Summary of Paper No./Mail Date 8), 7. ☑ Examiner's Amendm	(PTO-413), e <u>20050627</u> .	)-1 <b>5</b> 2)
Paper No./Mail Date4.  Examiner's Comment Regarding Requirement for Deposit of Biological Material	8. ☐ Examiner's Stateme 9. ☑ Other <u>response to 3</u>	nt of Reasons for Allo	wance

Application/Control Number: 09/745,883

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An Examiner's Amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Sue M. Lee on June 27, 2005.

## **Examiner's Amendments to the Specification:**

Please replace the continuation data paragraph of at page 1, lines 9-10 with the following paragraph:

This application is a Continuation of PCT/EP99/04381, filed June 24, 1999, which claims the priority of German Application No. DE 19828114.5, filed June 24, 1998.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chih-Min Kam whose telephone number is (571) 272-0948. The examiner can normally be reached on 8.00-4:30, Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jon Weber can be reached at 571-272-0925. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Chih-Min Kam, Ph. D. CHK

Patent Examiner

CMK

June 27, 2005

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JON WEBER
SUPERVISORY PATENT EXAMINER